



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,972	12/09/2003	Kenneth M. Slyter	038190/233786	3677

826 7590 02/02/2006

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER

WUJCIAK, ALFRED J

ART UNIT PAPER NUMBER

3632

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,972	<b>Applicant(s)</b> SLYTER, KENNETH	
	<b>Examiner</b> Alfred Joseph Wujciak III	<b>Art Unit</b> 3632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 2 is/are allowed.  
 6) ☒ Claim(s) 1 and 3-20 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the second Office Action for the serial number 10/730,972, QUICK RELEASE SUPPORT POST AND ASSOCIATED METHOD, filed on 12/9/03.

The examiner withdraws the allowability claims of 5-7 and 13-15 in view of new ground of rejection, any inconvenience is regretted.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,116,528 to Poe in view of US Patent # 4,027,847 to Johnson.

Poe teaches an apparatus (figure 5) comprising an elongated rod (1) having a varying cross-section in a longitudinal direction and an elongated first sleeve (2) mounted on the elongated rod in a first position to facilitate insertion of a portion of the first sleeve in a hole defined by the structure, the sleeve capable of being axially translated along the elongated rod to a second position to facilitate a positive engagement of the portion of the first sleeve within the hole. The apparatus comprises at least one attachment element (28) carried by the first sleeve, wherein the attachment element is adapted to be attached to the cable. The elongated rod

Art Unit: 3632

comprises a first portion of a first cross-sectional shape (10) and a second portion (1) of a second cross-sectional shape larger than the first cross-sectional shape and disposed proximate to and displaced in the longitudinal direction from the first portion. The first portion is a first cylindrical portion and the second portion is a second cylindrical portion. The elongated sleeve comprises an expandable engagement member (19) capable of radially expanding as the sleeve is moved from the first position to the second position. The elongated sleeve comprises a sleeve member (part of element 28 that is secured within the elongated sleeve as shown in figure 5) connected to the expandable engagement member.

Poe teaches the first sleeve but fails to teach the second sleeve. Johnson teaches the first sleeve (43) and second sleeve (30) and that the second sleeve has a portion (tapered part of element 30) fit within the first sleeve. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the second sleeve to Poe's first sleeve as taught by Johnson to provide wedge support in the first sleeve when mounted in the hole to connect permanently between the apparatus and the hole of structure.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poe.

Poe teaches an apparatus (figure 5) comprising an elongated rod (1) having a varying cross-section in a longitudinal direction and an elongated first sleeve (2) mounted on the elongated rod in a first position to facilitate insertion of a portion of the first sleeve in a hole defined by the structure, the sleeve capable of being axially translated along the elongated rod to a second position to facilitate a positive engagement of the portion of the first sleeve within the hole. The apparatus comprises at least one attachment element (28) carried by the first sleeve,

Art Unit: 3632

wherein the attachment element is adapted to be attached to the cable. The elongated rod comprises a first portion of a first cross-sectional shape (10) and a second portion (1) of a second cross-sectional shape larger than the first cross-sectional shape and disposed proximate to and displaced in the longitudinal direction from the first portion. The first portion is a first cylindrical portion and the second portion is a second cylindrical portion. The elongated sleeve comprises an expandable engagement member (19) capable of radially expanding as the sleeve is moved from the first position to the second position. The elongated sleeve comprises a sleeve member (part of element 28 that is secured within the elongated sleeve as shown in figure 5) connected to the expandable engagement member.

Poe teaches the elongated rod having first and second portions but fails to teach the rod having plurality of first and second portions. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added plurality of first and second portions to the elongated rod to increase height of elongated rod to support additional sleeve and attachment element on the rod.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poe in view of Johnson.

Poe teaches the first sleeve but fails to teach the second sleeve. Johnson teaches the first sleeve (43) and second sleeve (30) and that the second sleeve has a portion (tapered part of element 30) fit within the first sleeve. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the second sleeve to Poe's first sleeve as

Art Unit: 3632

taught by Johnson to provide wedge support in the first sleeve when mounted in the hole to connect permanently between the apparatus and the hole of structure.

Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poe in view of Johnson and in further view of US Patent # 6,672,547 to Westerberg et al.

Poe teaches an apparatus (figure 5) comprising an elongated rod (1) having a varying cross-section in a longitudinal direction and an elongated first sleeve (2) mounted on the elongated rod in a first position to facilitate insertion of a portion of the first sleeve in a hole defined by the structure, the sleeve capable of being axially translated along the elongated rod to a second position to facilitate a positive engagement of the portion of the first sleeve within the hole. The apparatus comprises at least one attachment element (28) carried by the first sleeve, wherein the attachment element is adapted to be attached to the cable. The elongated rod comprises a first portion of a first cross-sectional shape (10) and a second portion (1) of a second cross-sectional shape larger than the first cross-sectional shape and disposed proximate to and displaced in the longitudinal direction from the first portion. The first portion is a first cylindrical portion and the second portion is a second cylindrical portion. The elongated sleeve comprises an expandable engagement member (19) capable of radially expanding as the sleeve is moved from the first position to the second position. The elongated sleeve comprises a sleeve member (part of element 28 that is secured within the elongated sleeve as shown in figure 5) connected to the expandable engagement member.

Poe teaches the first sleeve but fails to teach the second sleeve. Johnson teaches the first sleeve (43) and second sleeve (30) and that the second sleeve has a portion (tapered part of element 30) fit within the first sleeve. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the second sleeve to Poe's first sleeve as taught by Johnson to provide wedge support in the first sleeve when mounted in the hole to connect permanently between the apparatus and the hole of structure.

Poe teaches the attachment element but fails to teach the attachment element comprises at least one tie member. Westerberg et al. the attachment member (1) comprises the tie member (9). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added tie member to Poe's attachment element as taught by Westerberg et al. to provide additional support for retaining a cable within the attachment element.

In regards to claim 13, Poe teaches the elongated rod having first and second portions but fails to teach the rod having plurality of first and second portions. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added plurality of first and second portions to the elongated rod to increase height of elongated rod to support additional sleeve and attachment element on the rod.

In regard to claims 17-20, Poe teaches the first sleeve but fails to teach the cable is attached to the first sleeve. Westerberg et al. teaches the cable (11) attached to the first sleeve (2,8). It would have been obvious for one of ordinary skill in the art at the time the invention

Art Unit: 3632

was made to have added cable to Poe's first sleeve as taught by Westerberg et al. to provide support for maintaining the elongated rod in upright position.

In regard to claims 17-20, Poe in view of Johnson, Westerberg et al. teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for installing elements together to provide convenience for retaining the cable within the elements when mounted on a surface.

***Allowable Subject Matter***

Claim 2 is allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach wherein the at least one attachment element comprises a ring defining an opening larger than the sleeve and a plurality of spokes extending inwardly from the ring to the sleeve.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***



Art Unit: 3632

Applicant's arguments with respect to claims 1 and 3-20 have been considered but are moot in view of the new ground(s) of rejection.

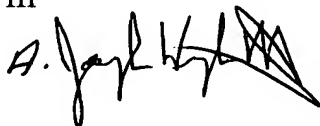
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632



1/26/06